

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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IRON WORKERS LOCAL 12 PENSION  
FUND, *et. al.*,

Plaintiff,

-against-

1:07-CV-437  
(LEK/RFT)

CATSKILL MOUNTAIN MECHANICAL,  
LLC; BRENDA SHIELDS, *Individually and  
as Officer of Catskill Mountain Mechanical,  
LLC*; MARTIN SHIELDS, *Individually and  
as Managing Agent of Catskill Mountain  
Mechanical, LLC*; and MARTIN G. SHIELDS  
*d/b/a* PLAINT MAINTENANCE SERVICES,  
INC.,

Defendants.

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on September 2, 2008, by the Honorable Randolph F. Treece, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 26).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Treece's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

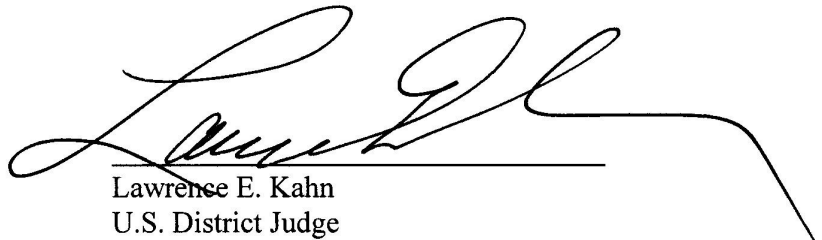
**ORDERED**, that the Report-Recommendation (Dkt. No. 26) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

**ORDERED**, that Defendants' Answer with Counterclaims (Dkt. No. 8) is **STRICKEN** from the records and the Defendants are precluded from presenting any proof in this matter; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: September 24, 2008  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge